

### **REMARKS**

Claims 1, 8, 32, 35, 37, and 46 have been amended. Claims 1-8, 32-41, and 43-48 remain in the application for consideration. In view of the following remarks, Applicant respectfully requests the Office's rejections be withdrawn and  
5 the application be forwarded to issuance.

#### **Examiner Interview**

Applicant's Representative, Mark Niemann, wishes to thank Examiner Mosser for the telephone interview conducted on February 28<sup>th</sup>, 2008.

10 During the interview, Applicant's Representative and Examiner Mosser discussed the rejections and objections of claims 1-8, 32-41, and 43-48. Pursuant to the interview, Applicant has positioned all of the claims in condition for allowance, as described below.

15 Applicant's Representative understood the Examiner to consider the claims as amended allowable over the art of record but indicated that the allowance of the claims may be subject to an additional search.

Applicant respectfully requests a phone call if the Examiner thinks there are any further issues that might delay issuance.

#### **Claim Objections**

20 Claims 8 and 37 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant has amended claims 8 and 37 into independent form by incorporating the method steps of claims 1 and 32 into claims 8 and 37  
25 respectively.

Accordingly, this objection should be withdrawn.

### **Rejections under § 101**

Claims 38-41 and 43-45 stand rejected under 35 U.S.C. § 101 because the Office argues that the claimed invention is directed to statutory subject matter. Specifically, the Office argues that the components in the claims are not drawn to structural components.

In response, Applicant refers the Office to Fig. 8 of Applicant's Specification, and the related discussion. Fig. 8 describes a general computer environment with structural components. Applicant's specification states that the general computer environment, depicted by Fig. 8, "can be used to implement the techniques described herein." (Applicant's Specification, page 17, lines 20-21.) The techniques described herein include the components recited in claims 38-41 and 32-45. Thus, it is clear from Applicant's disclosure that the components in claims 38-41 and 43-45 can be implemented by the structural components depicted in Fig. 8.

Accordingly, Applicant respectfully submits that the 101 rejection of claims 38-41 and 43-45 should be withdrawn. As there are no other objections or rejections to claims 38-41 or 43-45, Applicant respectfully submits that claims 38-41 and claims 43-45 are in condition for allowance.

### **Rejections under § 112**

Claims 1-8, 35 and 46-48 stand rejected under 35 U.S.C. § 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention.

With regards to claim 1 and 8, the Office argues that "the method does not provide for any outcome when the searching determines that a lyric set in the preferred language is available. It is unclear as to how the method as claimed is intended to perform given this circumstance." Applicant has amended claim 1 to recite:

- automatically selecting a preferred lyric set to be displayed in the preferred language and preferred sublanguage when the automatic searching indicates that the lyric set is available in the preferred language and the preferred sublanguage;
- automatically selecting an alternate lyric set to be displayed based on a hierarchical list of language priorities provided by a lyric synchronization module when the automatic searching indicates that the lyric set is unavailable in the preferred language and the preferred sublanguage, the automatic selecting performed without user assistance;
- playing the audio file and displaying the lyric set in the preferred language and the preferred sublanguage when the preferred lyric set is selected;
- playing the audio file and displaying the alternate lyric set when the alternate lyric set is selected;

Applicant has amended claim 8 in a similar manner. These amendments to claims 1 and 8 clarify that a preferred lyric set is selected in the preferred language and the preferred sublanguage *when the automatic searching determines that the lyric set is available in the preferred language and the preferred sublanguage.* Accordingly, it is now clear how the method performs when the searching determines that a lyric set in the preferred language is available.

Claims 2-7 are rejected under §112 as inheriting this deficiency through their dependency. Accordingly, in light of the amendment to claim 1, the rejection of claims 1-7 under §112 should be withdrawn. As there are no other objections or rejections to claims 1-8, Applicant respectfully submits that claims 1-8 are in condition for allowance.

With regards to claim 35, the Office argues that “there are no procedures defined in the claim for determining if the requested language is available.”

Applicant has amended claim 35 to recite:

- automatically searching a list of lyric sets associated with the audio file to determine whether the lyric set is available in the requested language; and

- displaying associated lyric data in the requested language when the automatic searching indicates that the lyric set is available in the requested language.

5 This amendment clarifies how it is determined whether the requested language is available. Accordingly, it is now clear how the method in claim 35 determines whether a requested language is available by *automatically searching a list of lyric sets associated with the audio file to determine whether the lyric set is available in the requested language.* Accordingly, in light of the amendment to  
10 claim 35, the rejection of claim 35 under §112 should be withdrawn.

With regards to claim 46, the Office argues that there is insufficient antecedent basis for the limitation “the appropriate lyric.” Applicant has amended claim 46 to recite “the corresponding lyric”. There is sufficient antecedent basis for this limitation. Accordingly, in light of the amendment to claim 46, the  
15 rejection of claim 46 under §112 should be withdrawn. Claims 47-48 are rejected under §112 as inheriting this deficiency through there dependency. Accordingly, in light of the amendment to claim 46, the rejection of claims 46-48 under §112 should be withdrawn. As there are no other objections or rejections to claims 46-48, Applicant respectfully submits that claims 46-48 are in condition for  
20 allowance.

### **Rejections under § 103**

Claims 32-34 and 36-37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,469,370 to Ostrover et al. (“Ostrover”) in  
25 view of U.S. Publication No. 2002/0193895 to Qian et al. (“Qian”).

As discussed during the interview, claim 32 has been amended to recite:

- the identifying the alternate language performed automatically based on a hierarchical list of language priorities provided by a lyric synchronization module and without user assistance

During the interview the Examiner indicated that this amendment would make claim 32 allowable over the art of record. Accordingly, Applicant respectfully submits that claim 32 is in condition for allowance. Claims 33-34 and 36-37 depend from claim 32. As such, the rejections of claims 33-34 and 36-37 should be withdrawn for at least the reasons that claims 33-34 and 36-37 depend from an allowable base claim. As there are no other objections or rejections to claims 32-34 and 36-37, Applicant respectfully submits that claims 32-34 and 36-37 are in condition for allowance.

**Conclusion**

All of the claims are in condition for allowance. Accordingly, Applicant requests that the Office issue a Notice of Allowability. If the Office's next anticipated action is to be anything other than issuance of a Notice of Allowability, Applicant respectfully requests a telephone call for the purpose of scheduling an interview.

Respectfully Submitted,

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